

**SECTION 3: APPOINTMENTS & SEPARATIONS****3-1. Hiring and Promotion Practices.****3-1.1. *Equal opportunity employer.***

- 3-1.1.1. It is the policy of the County to obtain the best-qualified applicants available for each vacant position, without regard to sex, race, color, religion, national origin, age, disability or other non-job-related factors.
- 3-1.1.2. The County will not discriminate against any applicant for employment because of race, religion, color, sex, national origin, age, disability or other basis prohibited by law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operations of the County department in which the employment vacancy exists.

**3-1.2. *Drug-free workplace.***

- 3-1.2.1. The County maintains a drug-free workplace for its employees.

**3-1.3. *Employment based on County residency.*<sup>1</sup>**

- 3-1.3.1. No offer of employment, or any feature of employment, including promotion, shall be conditioned on the basis of residency within the County, except for the following:
  - 3-1.3.1.1. Employees who by law serve at the will of an appointing authority;
  - 3-1.3.1.2. Deputies and executive assistants to the County Administrator;
  - 3-1.3.1.3. Department heads and their deputies.

**3-1.4. *Employment of relatives.***

- 3-1.4.1. The circumstances under which a member of the immediate family of a current County employee may be employed by the County are governed by Virginia's State and Local Government Conflict of Interests Act. Generally, no County officer or employee and a member of his or her immediate family may be employed within the same department, if (i) the officer or employee would exercise any control over the employment or employment activities of such family member, or (ii) the officer or employee would be in a position to influence the employment activities of such family member.<sup>2</sup>
- 3-1.4.2. The term "*immediate family member*" refers to a spouse and any other person residing in the same household as the officer or employee, who is a dependent of the officer or employee, or of whom the officer or employee is a dependent.
- 3-1.4.3. Questions concerning the interpretation or application of this rule, or of any other provision of the Conflict of Interests Act, should be directed to the County Attorney or to the Commonwealth's Attorney.

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<sup>1</sup> Va. Code 15.2-1505

<sup>2</sup> Va. Code 2.2-3109

**3-2. Types of Recruitment.****3-2.1. *Internal recruitment.***

- 3-2.1.1. Internal recruitment is a process that allows only current county employees (full-time or part-time) in authorized positions to apply for a posted internal vacancy.
- 3-2.1.2. Appropriate testing and selection procedures will be followed, as determined by the County Administrator. The County Administrator may veto a department head's selection for good cause, and may abandon a recruitment effort if, in her judgment, such action is appropriate.
- 3-2.1.3. Job postings for internal recruitment positions will be done in County offices only and may be limited to incumbents of selected classes or positions, to specific departments or to specific work settings, as approved by the County Administrator.

**3-2.2. *External recruitment.***

- 3-2.2.1. External recruitment allows any interested individual, including current County employees, to apply for posted job vacancies according to normal procedures.
- 3-2.2.2. Job announcements for authorized vacant positions shall be extensively posted, both on paper and electronically, and shall also be advertised in media outlets such as newspapers, professional and trade magazines, and internet sources.
- 3-2.2.3. Elected Constitutional Officers (i.e., the Sheriff, Commonwealth's Attorney, Treasurer, Commissioner of Revenue, and Clerk of Court) shall be responsible for advertising vacant positions within their offices in accordance with Virginia Code 15.2-1604. Upon hiring an individual, the Constitutional Officer shall certify, on a form approved by the County Administrator, compliance with the requirements of 15.2-1604.

**3-2.3. *Continuous recruitment.***

- 3-2.3.1. Departments may receive and consider applications on an ongoing basis for part-time and seasonal positions for which vacancies frequently exist or recur.
- 3-2.3.2. When this type of recruitment is used, a Department head will establish a time period for applications to remain active for jobs for which continuous recruitment applies, and the Department head shall notify applicants accordingly.
- 3-2.3.3. All applicants with active applications must be considered for each opening.
- 3-2.3.4. A continuous recruitment may be discontinued at any time. A department head who discontinues a continuous recruitment process shall notify applicants with active applications.

- 3-2.4. ***Selection of recruitment type.*** A department head may request any type of recruitment effort; however, the County Administrator shall make the final determination as to the type of recruitment effort to be conducted.

**3-3. Procedures for Filling Funded, Vacant Positions**

- 3-3.1. Each time a vacancy occurs with respect to a funded position, and a department head supports the need for filling the vacancy, the department head shall notify the County Administrator.
- 3-3.2. The department head will determine the necessity for and the appropriate methods of attracting qualified applicants for the vacant position, in consultation with the County Administrator.
- 3-3.3. No person may be hired without having been interviewed for a position. All scheduled interviews must be completed before a final selection decision and job offer are made. A department head may either interview all applicants for a position, or may reduce the applicant pool by screening applications/resumes and interviewing only those applicants who are deemed to be best qualified for the available position. County officials are not required to reschedule interviews with applicants who were unable to be present at a scheduled interview.
- 3-3.4. The County must screen applications/resumes according to the qualifications established for the position and must apply those criteria consistently to all applicants.
  - 3-3.4.1. A Department head may request clarification and follow-up information from an applicant at any point in the hiring process.
  - 3-3.4.2. Consistent with the requirements of Va. Code 15.2-1509 a veteran's military service shall be taken into consideration by the County during the selection process, provided that such veteran otherwise meets all of the knowledge, skill and ability requirements for the available position.
- 3-3.5. Upon completion of the selection process, prior to making any offer of employment, the department head will review the process and results with the County Administrator.
- 3-3.6. Upon final selection of the best qualified candidate for the position, a Department head shall extend a written offer of employment to the individual selected. Individuals employed by the County are employed according to provisions of applicable personnel policies and not according to any contract, either express or implied. Employment offer letters should:
  - 3-3.6.1. Avoid implying a contract or a guarantee of employment for any particular period of time;
  - 3-3.6.2. Describe any conditions of employment, including notice that a particular position is funded by grant money and that the position may be eliminated if grant funds are no longer available;
  - 3-3.6.3. State the applicable probationary period; and
  - 3-3.6.4. Explain any required certification or training period that may apply.

3-3.7. Once a candidate has accepted an employment offer and a start-date has been set, the Department head will provide, in writing, the following information:

- 3-3.7.1. where, when and to whom to report;
- 3-3.7.2. materials or information needed on the first day, such as a list of acceptable documents needed to complete the I-9 (Employment Eligibility) form;
- 3-3.7.3. information concerning benefits and elections that will need to be made prior to or shortly after beginning work.

### **3-4. Pre-employment investigations.**

#### **3-4.1. *Criminal history.***

3-4.1.1. If authorized by an ordinance duly adopted by the Board of Supervisors pursuant to Virginia Code §19.2-389, applicants for County employment may be required to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining a criminal history record information regarding the applicant.<sup>3</sup>

3-4.1.2. Deputy sheriffs shall be required to undergo a criminal history investigation, as set forth in Va. Code 15.2-1705, whether or not the Board of Supervisors has enacted an ordinance.

3-4.1.3. Federal law prohibits anyone who has been convicted of a misdemeanor crime of domestic violence from possessing any firearm or ammunition. A Department head shall ascertain information about applicants' convictions for domestic violence before they are employed in any position that requires or authorizes the carrying of a firearm.<sup>4</sup>

#### **3-4.2. *Medical exams.***

3-4.2.1. Pre-employment medical inquiries and examinations may be conducted only in accordance with the federal Americans with Disabilities Act ("ADA"). Under the ADA such medical inquiries and examinations may be required only after all other factors have been evaluated and a conditional offer of employment has been made.

3-4.2.2. Deputy sheriffs are required by Va. Code 15.2-1705 to undergo a physical examination, subsequent to a conditional offer of employment.

#### **3-4.3. *Drug screenings.***

3-4.3.1. Pre-employment drug screenings may be administered to an applicant, subsequent to a conditional offer of employment, in cases where the job to be performed involves the carrying of a firearm, the operation of vehicles requiring a commercial driver's license (CDL), or other duties of a hazardous nature.

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<sup>3</sup> Va. Code 15.2-1503.1, 1505.1

<sup>4</sup> Title 18 U.S. Code Section 922(g)(9)

- 3-4.3.2. A list of positions for which pre-employment drug screenings may be administered must be approved in advance by the County Administrator.
- 3-4.3.3. When pre-employment drug screenings are utilized, they shall be administered by an independent contractor experienced in using procedures consistent with the Department of Transportation's (DOT) Rule, 49 CFR Part 40, which describes required procedures for conducting workplace drug and alcohol testing.

**3-5. Fixing Employment Date.**

- 3-5.1. Employment shall become effective as of the date on which the employee officially begins the performance of the duties of his position. This shall include new employee orientation and training.
- 3-5.2. Effective dates shall be established to coincide with the beginning of a regular pay period (i.e., the first day of a calendar month). Exceptions to this may be made only by the Director of Finance or County Administrator.

**3-6. Probationary Status.**

- 3-6.1. All County employees must satisfactorily complete a 6- month probationary period immediately following their initial employment or reemployment. A performance evaluation must be completed on each employee prior to removing him from probationary status.
- 3-6.2. The probationary period should be used as a training period to determine whether or not an employee is suited for the job. During this period of employment, employees may be terminated at any time by a department head, following consultation with the County Administrator.
- 3-6.3. Any probationary period may be extended if, in the assessment of the applicable department head the probationary period has been insufficient to determine whether the employee can satisfactorily perform the duties of the position. Prior to promising any extension, the department head shall obtain the concurrence of the County Administrator.

**3-7. Seasonal Hiring.**

- 3-7.1. A department head with sufficient funding in his budget may hire employees on a temporary or hourly basis for seasonal positions. Once employed such employees may remain on the payroll until such time as the seasonal assignment is concluded or the agency no longer desires their services.

**3-8. Reinstatement and Reemployment.**

- 3-8.1. *Reinstatement.* Anytime an employee returns to work from an authorized leave of absence, or goes from a non-paid status into a paid status within 6 months, that constitutes a “reinstatement.” A reinstated employee is treated as having been on leave without pay for the time he was away, and the employee’s leave balances for which payment has not been made will be returned to the same level that existed immediately prior to or moving into the non-paid status. The employee’s service date is not affected by the non-paid status; however, an employee’s leave accrual date will be adjusted (delayed) by the period of time the employee remained in non-paid status.
- 3-8.2. *Reemployment.* When an employee has separated from employment and is subsequently employed again with the County, that constitutes “reemployment.” Should a former employee be reemployed within 6 months from the effective date of his separation, the reemployment may be treated as a reinstatement. If the employee has been gone longer than 6 months from the effective date of his separation before being employed again, the reemployment process (and the employee’s status) is the same as for a new employee.

**3-9. Tenure.**

- 3-9.1. All appointments of officers and hiring of employees shall be without definite term, unless for temporary services not to exceed one year or except as otherwise provided by law.<sup>5</sup>
- 3-9.2. Any officer or employee may be suspended or removed from office or employment at will, subject to any applicable procedures set forth within the County’s personnel policy.
- 3-9.3. In case of the absence or disability of any County officer or employee the County Administrator may designate an individual to temporarily perform the duties of the office.

**3-10. Joint employees.**

- 3-10.1. The County Administrator may arrange with another locality for the joint employment of any person.
- 3-10.2. Every joint employee shall exercise in each locality all of the powers and duties imposed on such person by law or by contract.
- 3-10.3. For purposes of salary, retirement and other employee benefits, public liability insurance and bonds, a joint employee shall be considered the employee of one locality.

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<sup>5</sup> Va. Code 15.2-1503

3-10.4. The share of the costs of salary, retirement and other employee benefits and expenses for a joint employee shall be paid to the primary employing locality by the other locality, in the manner and amount agreed upon.

3-10.5. Joint employment may be pursuant to a written or unwritten agreement between or among the employing localities, containing such terms and conditions as agreed upon.

### **3-11. Emergency hiring.**

3-11.1. There may arise occasions where circumstances necessitate the hiring of personnel outside of the normal procedures for filling vacancies. Authority to hire on an emergency basis, and any commitments on offering the job, beginning salary and starting date, must be approved in advance by the County Administrator.

### **3-12. Provisional hiring.**

3-12.1. A provisional hire is an individual employed with certain provisions spelled out as a condition of employment.

3-12.2. All employees hired into positions where funding is dependent on outside sources, in whole or in part, shall be considered as being hired provisionally and their continued employment is expressly contingent on the continued availability and appropriation of funding from those outside sources.

### **3-13. Separations**

3-13.1. *Separations*. Any time an individual leaves County employment, the departure is referred to as a “*separation*”. There are several categories of separations, as described in this subsection.

3-13.2. *Resignations*. An employee desiring to resign from County employment in good standing shall submit a letter to his supervisor, setting forth the reason for leaving with a period of notice of not less than two (2) weeks. A review of benefits at the time of separation normally will be offered to employees leaving County service. An employee may contact the Finance Office to obtain answers to specific questions.

3-13.3. *Terminations*. An individual’s employment with the County may be terminated for failure to maintain an acceptable level of performance or for disciplinary reasons. The County Administrator is to be contacted prior to the termination of any employee.

3-13.3.1. Prior to termination, a non-probationary employee must be given notice of the reason(s) justifying his dismissal, and an opportunity to explain his or her side of the story. If, following this process, the County proceeds with termination, then the employee shall be provided a written termination letter, which shall specify an effective date of separation no sooner than 10 days from the date of



the notice. The termination letter shall also give notice of the availability of the County's grievance procedure.

- 3-13.3.2. Probationary employees, as well as employees whose appointments are for a specific period of time (e.g., seasonal employees), or whose appointments are to grant-funded positions, may be dismissed with or without cause and are not eligible to use the County's grievance procedure.

3-13.4. *Reduction in the workforce (layoffs).*

- 3-13.4.1. The following procedure shall apply to a reduction in the workforce of the County caused by adverse economic conditions, reorganization within the County, lack of sufficient work, abolishment of positions fully funded by the County, or other, similar circumstances. This procedure does not apply where a reduction in the workforce involves any position that is not fully-funded by the County (such as grant-funded positions, or positions otherwise dependent on the availability of funding from non-local sources), as employees in such positions do not have a right to or expectation of continued employment. The County Administrator has the right and obligation to manage the workforce to the best interests of the county and may require implementation of this reduction in workforce procedure. Unless specific instructions are received from the County Administrator, the following will serve as the general procedure for a reduction in workforce for positions fully-funded by the County.

- 3-13.4.1.1. The County has provided procedures for the removal of employees for unsatisfactory performance and for disciplinary reasons; therefore, it will be presumed that employees are serving in a satisfactory manner. The length of continuous County service will provide the basis for determining the order of layoff in order to provide for a uniform, fair, equitable and effective base for the determination of layoffs. Circumstances may cause other considerations to be the basis for determining order of layoff, as approved by the County Administrator. Such considerations may include, but are not necessarily limited to, past performance.

- 3-13.4.1.2. In the event of a reduction in the workforce, it will be managed on a departmental basis. The department head, unless otherwise directed by the County Administrator, will have responsibility for the identification of organizational sections, job classifications, positions and individuals affected. Additionally, the department head will determine the order for layoff by classification. Once that order has been determined, if there is more than one person in this classification, the employee with the least amount of continuous County employment will be the first to be laid off unless the County Administrator has previously approved an alternate plan.

- 3-13.4.1.3. No reduction in force shall occur without it first being discussed and coordinated with the County Administrator. In all cases where a reduction in the workforce necessitates the actual removal of personnel, upon identifying classification(s) to be affected, the following order of priority will be strictly adhered to within the specified classification, unless an exception is approved by the County Administrator:



- 3-13.4.1.3.1. Temporary or seasonal employees;
  - 3-13.4.1.3.2. Hourly employees;
  - 3-13.4.1.3.3. Provisional employees in authorized positions;
  - 3-13.4.1.3.4. Part-time employees in authorized positions;
  - 3-13.4.1.3.5. Probationary employees;
  - 3-13.4.1.3.6. Full-time employees in authorized positions.
- 3-13.4.1.4. So far as practical, all employees to be laid off will be provided with a minimum of two (2) weeks' written notice, subject to the availability of funding.
- 3-13.4.1.5. All employees who have been laid off due to a reduction in the workforce will be given first preference consideration in any reinstatement or reemployment should a vacancy of the same classification within the same agency in which they left occur. This preference shall be limited to a period of six (6) months from the date of separation due to layoff.
- 3-13.4.1.6. Any employee who may be in the process of another administrative procedure (for example, a grievance) is still covered under this procedure. If such an employee is laid off, he will be entitled to continue to pursue the other administrative procedure if he so chooses; however, it will be done in the status resulting from the effect of the layoff policy.
- 3-13.5. *Disability separation.* In the event an employee will be leaving the County due to an illness or injury which prevents the employee from performing the essential functions of his job, the employee shall contact the Finance Office to discuss benefit options. This type of separation must be coordinated with workers' compensation benefits, if the illness or injury is work-related and has been ruled as being compensable under the Workers' Compensation Act.
- 3-13.6. *Separation date.*
- 3-13.6.1. Except as specified below, when an employee separates from County service, the effective date shall be the last day that the employee is physically on the job. The County is not responsible for matter affecting the employee following his physical absence from the job. It is not permissible to delay the effective date of termination by any amount of accumulated annual, sick, holiday or compensatory leave due to the terminated employee. Pay for annual, compensatory and holiday leave balances to eligible employees shall be paid on a lump sum basis (see Section 4, Compensation and Leave).
- 3-13.6.2. If an employee is on approved injury leave, workers' compensation leave, Family and Medical leave, or leave without pay when separated, then the effective date of separation will be the actual date of separation as given by the employee or by the County, and such date will not necessarily be the last day the employee was physically on the job.

3-13.6.3. When the effective date of a separation immediately precedes a holiday, the employee shall not be paid for the holiday, since he or she is no longer an employee.

3-13.7. *Notice of payroll separation.* When an employee becomes separated from employment, regardless of reason, the employee's department head shall immediately notify the Finance Office. Complete information surrounding the reasons for separation shall be provided to the Finance Officer, for inclusion in the employee's personnel record.

3-13.8. *Final settlement.* When an employee becomes separated from employment, he shall receive his final paycheck on the next regular payday. The final paycheck will not be released to the separated employee until all County-furnished equipment (i.e., vehicles, equipment, supplies, uniforms, ID cards, badges, work tools, etc.) have been returned to or accounted for by the County, and until all financial accounts with the County have been settled.

**3-14. [Reserved].**